REMARKS

Claims 1, 26, 51, 54-60 and 62-95 are pending with claims 1, 26, 51, 83, 84 and 85 being independent. Claims 94 and 95 have been amended to correct minor errors. No new matter has been introduced.

Independent claims 84 and 85, and their dependent claims 93 and 95, have been rejected as being anticipated by Li (U.S. Patent No. 6,219,793). Applicant again requests reconsideration and withdrawal of this rejection because Li does not describe or suggest checking the read biological information with the stored biological information without a necessity of a communication between the client and a server, as recited in each of claims 84 and 85. In response to this argument, the rejection asserts, without support that:

> In Li, the checking is performed in the phone. Checking requires
> nothing more than a comparison. In this case, Li compares the
> captured fingerprint to a previously received fingerprint. However,
> the comparison does not require any communication as the
> comparison is performed inside the phone.

Applicant strongly disagrees that the "checking means" of claim 84 and the "checking" step may be properly or fairly construed to cover just the small portion of Li's fingerprint checking process that occurs in Li's phone. Rather, Li's entire process of checking the validity of the fingerprint must be compared to the "checking means for checking the read biological information with the stored biological information without a necessity of a communication between the client and a server" of claim 84 and the "checking the read biological information with the stored biological information without a necessity of a communication between the client and a server" of claim 85.

When the "checking means" and the "checking" step are properly construed, it is apparent that the argument in the rejection contradicts or ignores the specific statements in Li that the checking involves a "challenge-response" authentication process. As applicant has previously noted, Li's use of a challenge-response approach is a fundamental difference between Li and the claimed subject matter. *Li's process involves an exchange of data between a server and a client (the phone), and does not merely involve checking within the phone.* In particular,

in Li's system, the central authentication system ("CAS") 106 (i.e., the server) sends the encrypted challenge and token CK 202 to the wireless phone 102 (i.e., the client) at step 307; the fingerprint capturing device ("FCPD") 101 or the phone 102 requires the wireless phone user to input a fingerprint locally to generate a token at step 308; the FCPD 101 compares the locally-generated token with the token CK 202 from the CAS 106 to match at step 309; the wireless telephone 102 sends the decrypted challenge and the locally generated token back to the CAS 106 at step 311; and the CAS compares the two tokens for match at step 313 (see at least Figs. 3A and 3B of Li). Accordingly, for at least these reasons, Li does not describe or suggest checking the read biological information with the stored biological information without a necessity of a communication between the client and a server, as recited in each of claims 84 and 85, and the rejection should be withdrawn.

Claims 92 and 94, which depend from claims 84 and 85, have been rejected as being unpatentable over Li. In addition to the reasons discussed above with respect to claims 84 and 85, applicant requests reconsideration and withdrawal of this rejection because Li does not describe or suggest a system in which, "after transmitting information that the checking has matched to the server, a personal identification number information is sent to the server and in a case that the personal identification number matches with a number stored at the server, the stored biological information can be rewritten," as recited in claim 92, or a method in which, "after transmitting information that the checking has matched to the server, a personal identification number information is sent to the server and in a case that the personal identification number matches with a number stored at the server, the stored biological information can be rewritten," as recited in claim 94.

Apparently recognizing that Li does not describe such a system or method, the rejection merely asserts it would have been obvious that the stored biological information could have been rewritten when a user's personal identification number information matched a number stored at the server. Even assuming for the sake of argument that this assertion is correct, this in no way establishes that Li describes or suggests the specific steps of (1) sending personal identification number information to a server after transmitting information that fingerprint checking has

matched to the server and (2) permitting stored biological information at the server to be rewritten when the personal identification number matches a number stored at the server.

The rejection argues that one way in which Li describes the recited use of a personal identification number is that the fingerprint provided by the user is converted into a binary number that is then used to identify the user. Even under this interpretation, the subject matter of claims 92 and 94 is not described or suggested by Li because Li nowhere describes or suggests sending a binary number that represents the fingerprint to the server after transmitting information that the fingerprint checking has matched to the server, and then permitting stored biological information at the server to be rewritten when the binary number that represents the fingerprint matches a number stored at the server.

The rejection also argues that another way in which Li describes the recited use of a personal information number is that the fingerprints are converted into tokens that are used to identify the user. Even under this interpretation, the subject matter of claims 92 and 94 is not described or suggested by Li because Li nowhere describes or suggests sending a token that represents the fingerprint to the server after transmitting information that the fingerprint checking has matched to the server, and then permitting stored biological information at the server to be rewritten when the token that represents the fingerprint matches a number stored at the server.

For at least these reasons, the rejection of claims 92 and 94 should be withdrawn.

Claims 1, 26, 51, 54-60, 62-83 and 86-91 have been rejected as being unpatentable over Li in view of Nagayoshi (U.S. Patent N. 6,839,798). Similarly to claims 84 and 85, independent claim 1 recites "a checking circuit for checking the read biological information with the stored biological information without a necessity of a communication between the portable communication device and the server;" independent claim 26 recites "checking the read biological information with the stored biological information by a checking circuit in the portable communication device without a necessity of a communication between the portable communication device and a server;" independent claim 51 recites "checking the read biological information with the reference biological information without a necessity of a communication between the portable communication device and the server;" and independent claim 83 recites "a

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checking means for checking the read biological information with the reference biological information without a necessity of a communication between the client device and the server." Accordingly, applicant requests reconsideration and withdrawal of this rejection for the reasons discussed above with respect to claims 84 and 85, and because Nagayoshi, which is cited as showing a flash memory device, does not remedy this failure of Li.

Applicant requests reconsideration and withdrawal of the rejection of dependent claims 57, 71, 88 and 90 for the reasons discussed above with respect to claims 92 and 94.
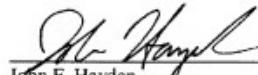
Applicants submit that all claims are in condition for allowance.

The fee in the amount of $490 in payment of the two-month extension fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/13/09

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